

and evaluate each State program, identify any State found not to be in compliance with the schedule of improvements required by subsection (a) and include recommendations for future implementation of the hazard elimination program.

(h) For the purposes of this section the term "State" shall have the meaning given it in section 401 of this title.

(Added Pub. L. 93-87, title II, §209(a), Aug. 13, 1973, 87 Stat. 286; amended Pub. L. 94-280, title I, §131, May 5, 1976, 90 Stat. 441; Pub. L. 95-599, title I, §168(a), Nov. 6, 1978, 92 Stat. 2722; Pub. L. 96-106, §10(b), Nov. 9, 1979, 93 Stat. 798; Pub. L. 97-375, title II, §210(b), Dec. 21, 1982, 96 Stat. 1826; Pub. L. 97-424, title I, §125, Jan. 6, 1983, 96 Stat. 2113; Pub. L. 100-17, title I, §133(b)(12), Apr. 2, 1987, 101 Stat. 172; Pub. L. 104-59, title III, §325(c), Nov. 28, 1995, 109 Stat. 592.)

AMENDMENTS

1995—Subsec. (g). Pub. L. 104-59 substituted "Committee on Transportation and Infrastructure" for "Committee on Public Works and Transportation".

1987—Subsec. (g). Pub. L. 100-17 substituted "the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives" for "the Congress".

1983—Subsec. (c). Pub. L. 97-424 substituted provision that funds authorized to carry out this section shall be available for expenditure on any public road (other than a highway on the Interstate System), for provision that funds authorized to carry out this section would be available solely for expenditure for projects on any Federal-aid system (other than the Interstate System) except in the Virgin Islands, Guam, and American Samoa.

1982—Subsec. (g). Pub. L. 97-375 inserted "(including but not limited to any projects for pavement marking)" after "implementing the hazard elimination program".

1979—Subsec. (g). Pub. L. 96-106 substituted "December 30" for "September 30" and "April 1" for "January 1".

1978—Subsec. (a). Pub. L. 95-599 substituted "public roads" for "highways" and inserted provisions relating to identification of hazardous sections and elements.

Subsec. (b). Pub. L. 95-599 substituted provisions relating to approval of highway safety improvement projects by the Secretary for provisions authorizing appropriations for fiscal years ending June 30, 1974 through June 30, 1976.

Subsec. (c). Pub. L. 95-599 reenacted subsec. (c) without substantive change.

Subsec. (d). Pub. L. 95-599 substituted provisions prescribing the Federal share payable on account of any project under this section for provisions relating to apportionment of funds made available under subsec. (b) to the States. See subsec. (e) of this section.

Subsec. (e). Pub. L. 95-599 substituted provisions relating to apportionment of funds to the States under this section for provisions relating to progress reports required of the States under this section. See subsec. (g).

Subsecs. (f) to (h). Pub. L. 95-599 added subsecs. (f) and (g) and redesignated former subsec. (f) as (h).

1976—Subsec. (f). Pub. L. 94-280 added subsec. (f).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 104, 133, 157, 307, 409 of this title.

§ 153. Use of safety belts and motorcycle helmets

(a) **AUTHORITY TO MAKE GRANTS.**—The Secretary may make grants to a State in a fiscal

year in accordance with this section if the State has in effect in such fiscal year—

(1) a law which makes unlawful throughout the State the operation of a motorcycle if any individual on the motorcycle is not wearing a motorcycle helmet; and

(2) a law which makes unlawful throughout the State the operation of a passenger vehicle whenever an individual in a front seat of the vehicle (other than a child who is secured in a child restraint system) does not have a safety belt properly fastened about the individual's body.

(b) **USE OF GRANTS.**—A grant made to a State under this section shall be used to adopt and implement a traffic safety program to carry out the following purposes:

(1) **EDUCATION.**—To educate the public about motorcycle and passenger vehicle safety and motorcycle helmet, safety belt, and child restraint system use and to involve public health education agencies and other related agencies in these efforts.

(2) **TRAINING.**—To train law enforcement officers in the enforcement of State laws described in subsection (a).

(3) **MONITORING.**—To monitor the rate of compliance with State laws described in subsection (a).

(4) **ENFORCEMENT.**—To enforce State laws described in subsection (a).

(c) **MAINTENANCE OF EFFORT.**—A grant may not be made to a State under this section in any fiscal year unless the State enters into such agreements with the Secretary as the Secretary may require to ensure that the State will maintain its aggregate expenditures from all other sources for any traffic safety program described in subsection (b) at or above the average level of such expenditures in the State's 2 fiscal years preceding the date of the enactment of this section.

(d) **FEDERAL SHARE.**—A State may not receive a grant under this section in more than 3 fiscal years. The Federal share payable for a grant under this section shall not exceed—

(1) in the first fiscal year the State receives a grant, 75 percent of the cost of implementing in such fiscal year a traffic safety program described in subsection (b);

(2) in the second fiscal year the State receives a grant, 50 percent of the cost of implementing in such fiscal year such traffic safety program; and

(3) in the third fiscal year the State receives a grant, 25 percent of the cost of implementing in such fiscal year such traffic safety program.

(e) **MAXIMUM AGGREGATE AMOUNT OF GRANTS.**—The aggregate amount of grants made to a State under this section shall not exceed 90 percent of the amount apportioned to such State for fiscal year 1990 under section 402.

(f) **ELIGIBILITY FOR GRANTS.**—

(1) **GENERAL RULE.**—A State is eligible in a fiscal year for a grant under this section only if the State enters into such agreements with the Secretary as the Secretary may require to ensure that the State implements in such fiscal year a traffic safety program described in subsection (b).

(2) **SECOND-YEAR GRANTS.**—A State is eligible for a grant under this section in a fiscal year succeeding the first fiscal year in which a State receives a grant under this section only if the State in the preceding fiscal year—

(A) had in effect at all times a State law described in subsection (a)(1) and achieved a rate of compliance with such law of not less than 75 percent; and

(B) had in effect at all times a State law described in subsection (a)(2) and achieved a rate of compliance with such law of not less than 50 percent.

(3) **THIRD-YEAR GRANTS.**—A State is eligible for a grant under this section in a fiscal year succeeding the second fiscal year in which a State receives a grant under this section only if the State in the preceding fiscal year—

(A) had in effect at all times a State law described in subsection (a)(1) and achieved a rate of compliance with such law of not less than 85 percent; and

(B) had in effect at all times a State law described in subsection (a)(2) and achieved a rate of compliance with such law of not less than 70 percent.

(g) **MEASUREMENTS OF RATES OF COMPLIANCE.**—For the purposes of subsections (f)(2) and (f)(3), a State shall measure compliance with State laws described in subsection (a) using methods which conform to guidelines issued by the Secretary ensuring that such measurements are accurate and representative.

(h) **PENALTY.**—

(1) **FISCAL YEAR 1994.**—If, at any time in fiscal year 1994, a State does not have in effect a law described in subsection (a)(2), the Secretary shall transfer 1½ percent of the funds apportioned to the State for fiscal year 1995 under each of subsections (b)(1), (b)(2), and (b)(3) of section 104 of this title to the apportionment of the State under section 402 of this title.

(2) **THEREAFTER.**—If, at any time in a fiscal year beginning after September 30, 1994, a State does not have in effect a law described in subsection (a)(2), the Secretary shall transfer 3 percent of the funds apportioned to the State for the succeeding fiscal year under each of subsections (b)(1), (b)(2), and (b)(3) of section 104 of this title to the apportionment of the State under section 402 of this title.

(3) **FEDERAL SHARE.**—The Federal share of the cost of any project carried out under section 402 with funds transferred to the apportionment of section 402 shall be 100 percent.

(4) **TRANSFER OF OBLIGATION AUTHORITY.**—If the Secretary transfers under this subsection any funds to the apportionment of a State under section 402 for a fiscal year, the Secretary shall allocate an amount of obligation authority distributed for such fiscal year to the State for Federal-aid highways and highway safety construction programs for carrying out only projects under section 402 which is determined by multiplying—

(A) the amount of funds transferred to the apportionment of section 402 of the State under section 402 for such fiscal year; by

(B) the ratio of the amount of obligation authority distributed for such fiscal year to

the State for Federal-aid highways and highway safety construction programs to the total of the sums apportioned to the State for Federal-aid highways and highway safety construction (excluding sums not subject to any obligation limitation) for such fiscal year.

(5) **LIMITATION ON APPLICABILITY OF HIGHWAY SAFETY OBLIGATIONS.**—Notwithstanding any other provision of law, no limitation on the total of obligations for highway safety programs carried out by the Federal Highway Administration under section 402 shall apply to funds transferred under this subsection to the apportionment of section 402.

(i) **DEFINITIONS.**—For the purposes of this section, the following definitions apply:

(1) **MOTORCYCLE.**—The term “motorcycle” means a motor vehicle which is designed to travel on not more than 3 wheels in contact with the surface.

(2) **MOTOR VEHICLE.**—The term “motor vehicle” has the meaning such term has under section 154¹ of this title.

(3) **PASSENGER VEHICLE.**—The term “passenger vehicle” means a motor vehicle which is designed for transporting 10 individuals or less, including the driver, except that such term does not include a vehicle which is constructed on a truck chassis, a motorcycle, a trailer, or any motor vehicle which is not required on the date of the enactment of this section under a Federal motor vehicle safety standard to be equipped with a belt system.

(4) **SAFETY BELT.**—The term “safety belt” means—

(A) with respect to open-body passenger vehicles, including convertibles, an occupant restraint system consisting of a lap belt or a lap belt and a detachable shoulder belt; and

(B) with respect to other passenger vehicles, an occupant restraint system consisting of integrated lap shoulder belts.

(j) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section \$17,000,000 for fiscal year 1992. From sums made available to carry out section 402 of this title, the Secretary shall make available \$17,000,000 for fiscal year 1992 and \$24,000,000 for each of fiscal years 1993 and 1994 to carry out this section.

(k) **APPLICABILITY OF CHAPTER 1 PROVISIONS.**—All provisions of this chapter that are applicable to National Highway System funds, other than provisions relating to the apportionment formula and provisions limiting the expenditures of such funds to Federal-aid systems, shall apply to funds authorized to be appropriated to carry out this section, except as determined by the Secretary to be inconsistent with this section and except that sums authorized by this section shall remain available until expended.

(Added Pub. L. 102-240, title I, §1031(a)(1), Dec. 18, 1991, 105 Stat. 1970; amended Pub. L. 104-59, title II, §205(e), Nov. 28, 1995, 109 Stat. 577.)

¹ See References in Text note below.

REFERENCES IN TEXT

The date of the enactment of this section, referred to in subsecs. (c) and (i)(3), is the date of enactment of Pub. L. 102-240, which was approved Dec. 18, 1991.

Section 154 of this title, referred to in subsec. (i)(2), was repealed by Pub. L. 104-59, title II, § 205(d)(1)(B), Nov. 28, 1995, 109 Stat. 577.

PRIOR PROVISIONS

A prior section 153, added Pub. L. 93-87, title II, § 210(a), Aug. 13, 1973, 87 Stat. 287; amended Pub. L. 94-280, title I, § 131, May 5, 1976, 90 Stat. 441, related to a program for the elimination of roadside obstacles, prior to repeal by Pub. L. 95-599, title I, § 168(b), Nov. 6, 1978, 92 Stat. 2723.

AMENDMENTS

1995—Subsec. (h)(1), (2). Pub. L. 104-59 struck out “a law described in subsection (a)(1) and” after “have in effect”.

EFFECTIVE DATE OF 1995 AMENDMENT

Section 205(e) of Pub. L. 104-59 provided that the amendment made by that section is effective Sept. 30, 1995.

EFFECTIVE DATE

Section effective Dec. 18, 1991, and applicable to funds authorized to be appropriated or made available after Sept. 30, 1991, and, with certain exceptions, not applicable to funds appropriated or made available on or before Sept. 30, 1991, see section 1100 of Pub. L. 102-240, set out as an Effective Date of 1991 Amendment note under section 104 of this title.

STUDY OF BENEFITS OF SAFETY BELTS AND MOTORCYCLE HELMETS TO INDIVIDUALS INVOLVED IN CRASHES

Section 1031(b) of Pub. L. 102-240 provided that:

“(1) IN GENERAL.—The Secretary shall conduct a study or studies to determine the benefits of safety belt use and motorcycle helmet use for individuals involved in motor vehicle crashes and motorcycle crashes, collecting and analyzing data from regional trauma systems regarding differences in the following: the severity of injuries; acute, rehabilitative and long-term medical costs, including the sources of reimbursement and the extent to which these sources cover actual costs; government, employer, and other costs; and mortality and morbidity outcomes. The study shall cover a representative period after January 1, 1990.

“(2) REPORT.—The Secretary shall make public a proposed report on the results of the study or studies conducted under this subsection, provide a period of 90 days for public comment on such report, consider such comments, and transmit to Congress a report on the results of such study or studies, together with a summary of such comments, not later than 40 months after the funds for such study are made available by the Secretary.

“(3) FUNDING.—Of the amounts authorized to be appropriated for fiscal year 1992 or 1993 (or both) to carry out section 153 of title 23, United States Code, the Secretary shall make available \$5,000,000 in the aggregate in such fiscal years to carry out this subsection. Such funds shall remain available until expended.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 49 section 31104.

[§ 154. Repealed. Pub. L. 104-59, title II, § 205(d)(1)(B), Nov. 28, 1995, 109 Stat. 577]

Section, added Pub. L. 93-643, § 114(a), Jan. 4, 1975, 88 Stat. 2286; amended Pub. L. 95-599, title II, § 205, Nov. 6, 1978, 92 Stat. 2729; Pub. L. 97-35, title XI, § 1108, Aug. 13, 1981, 95 Stat. 626; Pub. L. 100-17, title I, § 174, Apr. 2, 1987, 101 Stat. 218; Pub. L. 102-240, title I, § 1029(a), (b), (e), (g), Dec. 18, 1991, 105 Stat. 1968-1970, established the national maximum speed limit.

EFFECTIVE DATE OF REPEAL

Repeal applicable to State on 10th day following Nov. 28, 1995, except that if legislature of State is not in session on such date and chief executive officer of State declares, before such 10th day, that legislature is not in session and that State prefers applicability date that is after date on which legislature will convene, repeal applicable to State on 60th day following date on which legislature next convenes, see section 205(d)(3) of Pub. L. 104-59, set out as an Effective Date of 1995 Amendment note under section 141 of this title.

STUDY OF COSTS AND BENEFITS TO STATES FROM REPEAL OF MAXIMUM SPEED LIMIT

Pub. L. 104-59, title III, § 347, Nov. 28, 1995, 109 Stat. 616, provided that: “Not later than September 30, 1997, the Secretary, in cooperation with any State which raises any speed limit in such State to a level above the level permitted under section 154 of title 23, United States Code, as such section was in effect on September 15, 1995, shall prepare and submit to Congress a study of—

“(1) the costs to such State of deaths and injuries resulting from motor vehicle crashes; and

“(2) the benefits associated with the repeal of the national maximum speed limit.”

§ 155. Access highways to public recreation areas on certain lakes

(a) The Secretary is authorized to construct or reconstruct access highways to public recreation areas on lakes in order to accommodate present and projected traffic density. The Secretary shall develop guidelines and standards for the designation of routes and the allocation of funds for the purpose of this section which shall include the following criteria:

(1) No portion of any access highway constructed or reconstructed under this section shall exceed thirty-five miles in length nor shall any portion of such highway be located more than thirty-five miles from the nearest part of such recreation area.

(2) Routes shall be designated by the Secretary on the recommendation of the State and responsible local officials, after consultation with the head of the Federal agency (if any) having jurisdiction over the public recreation area involved.

(b) The Federal share payable on account of any project authorized pursuant to this section shall not exceed 75 per centum of the cost of construction or reconstruction of such project.

(c) All of the provisions of this title applicable to highways on the Federal-aid system (other than the Interstate System) determined appropriate by the Secretary, except those provisions which the Secretary determines are inconsistent with this section, shall apply to any highway designated under this section which is not a part of the Federal-aid system when so designated.

(d) For the purpose of this section the term “lake” means any lake, reservoir, pool, or other body of water resulting from the construction of any lock, dam, or similar structure by the Corps of Engineers, Department of the Army, or the Bureau of Reclamation, Department of the Interior, or the Tennessee Valley Authority, and any multipurpose lake resulting from construction assistance of the Soil Conservation Service, Department of Agriculture. This section shall apply to lakes heretofore or hereafter constructed or authorized for construction.